



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

May 10, 2023

Re: FOIA Request NLRB-2023-001260

Dear Dillan Bono-Lunn (Elon University):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on April 12, 2023, in which you seek “annual (total 12 month) Election Reports from FY 2009-2019 and CY 2001-2008 in Excel format.” You assumed financial responsibility for the processing of your request in the amount of \$37.00, but requested a fee waiver.

We acknowledged your request on April 12, 2023.

Pursuant to the FOIA, a reasonable search was conducted in the Agency’s current electronic casehandling system, NxGen, which generally maintains case records from 2011 to present. This search produced the requested Election Reports for Fiscal Years 2011 through 2019, which are being provided to you in the attached nine Excel files. Please note that during FY2011, the Agency transitioned from its legacy database, Case Activity Tracking System (CATS), to the current NxGen system, and there may be gaps or partially complete FY2011 data that was migrated during the transition.

For election data in cases that closed between Fiscal Years 2000 through 2010, that data had been collected in the Agency’s legacy CATS database, which the Agency no longer has access to, and only can provide data from what was previously pulled and released for prior FOIA requests which is now maintained in FOIAonline. Thus, while we are unable to reproduce the election reports from CATS for calendar years 2001 through 2008 and Fiscal Years 2009 and 2010, we were able to search FOIAonline and locate the raw election data for RC, RD, and RM cases that closed between Fiscal Years 2000 and 2010, which is being provided to you in one additional Excel file.

Your request is, therefore, granted.

For the purpose of assessing fees, we have placed you in Category B, as an educational institution that operates a program or programs of scholarly research, NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vi). There is

no charge assessed for emailed records. Given your placement in the educational institution category, your request for a fee waiver is moot.

You may contact Jodilyn Breirather, the FOIA Specialist who processed your request, at (414) 930-7208 or by email at Jodilyn.Breirather@nlrb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

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Nancy E. Kessler Platt, Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ *Synta E. Keeling*

Synta E. Keeling
FOIA Officer

Attachment: (ten Excel files)